



Comptroller General
of the United States

Washington, D.C. 20548

144617 Evans

Decision

Matter of: Carter Machinery Company, Inc.

File: B-245008

Date: August 7, 1991

Keith K. Keller for the protester.
Vera Meza, Esq., and John Klecha, Esq., Department of the Army, for the agency.
Catherine M. Evans, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of agency's rejection of late proposal is dismissed where protest submission shows that protester's misaddressing of proposal package was paramount cause of late receipt.

DECISION

Carter Machinery Company, Inc. protests the rejection of its late proposal under request for proposals (RFP) No. DAAE07-91-R-A262, issued by the Department of the Army.

We dismiss the protest.

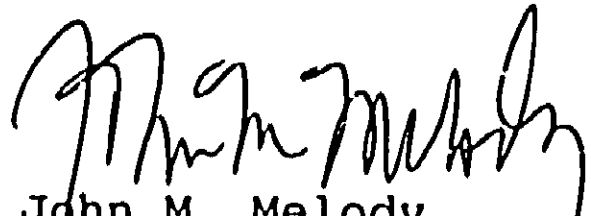
The RFP, issued on May 31, 1991, established 3 p.m. on July 15 as the deadline for receipt of proposals. Carter planned to have its proposal delivered by Federal Express carrier. Although the RFP included an address for delivery of hand-carried proposals, the Carter employees responsible for preparing the proposal telephoned the contracting office to ask for the address. Carter then addressed its proposal package using the address given by the agency employee, which was different from address listed in the RFP. The Federal Express agent delivered Carter's package to the indicated (incorrect) address at 8:55 a.m. on July 15; however, the package did not reach the contracting office until the following day. Upon learning that the agency had rejected its proposal as late, Carter filed this protest.

Carter concedes that it may have been at fault for following the verbal advice of contracting office personnel in addressing its proposal instead of using the address given in the RFP. Nonetheless, Carter contends that its proposal was delivered to the agency in plenty of time to reach the contracting office by the deadline, and alleges that the delay

between the time the package was delivered to the agency and the time it reached the right office was caused by government mishandling. In this regard, Carter notes that the package was marked with the solicitation number and the due date and time, as well as the name and phone number of the responsible contract specialist. Carter argues that the individual who signed for the package upon delivery therefore should have recognized the urgency of the matter and contacted the contract specialist to inform him about the package.

It is the responsibility of the offeror to deliver its proposal to the proper place at the proper time, and late delivery generally requires rejection of the proposal. Seer Publishing, Inc., B-237359, Feb. 12, 1990, 90-1 CPD ¶ 181. If a handcarried offer arrives late, it can only be considered if improper government action was the paramount cause of the late receipt. Human Factors Design and Research, B-237997, Apr. 16, 1990, 90-1 CPD ¶ 393. Where, as here, the offeror dispatches its agent--the commercial carrier--to an address other than that designated in the solicitation for receipt of hand-carried proposals, the offeror's error, not the time spent rerouting the package to the proper location, is the paramount cause of the late receipt. See Nanco Labs Inc., B-220663; B-220664, Nov. 27, 1985, 85-2 CPD ¶ 613. Since Carter's failure properly to address its package thus was the paramount cause of the late receipt, the agency properly refused to consider the proposal.

The protest is dismissed.


John M. Melody
Assistant General Counsel